IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO (COLUMBUS)

SHELBI HINDEL, et. al,	:	
	:	
Plaintiffs,	:	Case No. 2:15cv03061
	:	
v.	:	Judge George C. Smith
	:	
SECRETARY OF STATE JON HUSTED,	:	Magistrate Judge Elizabeth
	:	Preston Deavers
Defendant.	:	

DEFENDANT OHIO SECRETARY OF STATE JON HUSTED'S ANSWER TO PLAINTIFFS' COMPLAINT

For his answer to Plaintiffs' Complaint, Defendant Ohio Secretary of State John Husted states as follows:

1. The allegations in paragraph 1 of Plaintiffs' Complaint state legal conclusions for which no response is required. Defendant denies any remaining factual allegations for lack of knowledge.
2. Defendant denies the allegations in paragraph 2 of Plaintiffs' Complaint for lack of knowledge.
3. Defendant denies the allegations in paragraph 3 of Plaintiffs' Complaint.
4. Defendant denies the allegations in paragraph 4 of Plaintiffs' Complaint.
5. The allegations in paragraph 5 of Plaintiffs' Complaint state legal conclusions for which no response is required.
6. The allegations in paragraph 6 of Plaintiffs' Complaint state legal conclusions for which no response is required.

7. Defendant denies the allegations in paragraph 7 of Plaintiffs' Complaint for lack of knowledge.
8. Defendant denies the allegations in paragraph 8 of Plaintiffs' Complaint for lack of knowledge.
9. Defendant denies the allegations in paragraph 9 of Plaintiffs' Complaint for lack of knowledge.
10. Defendant denies the allegations in paragraph 10 of Plaintiffs' Complaint for lack of knowledge.
11. Defendant denies the allegations in paragraph 11 of Plaintiffs' Complaint for lack of knowledge.
12. Jon Husted is Secretary of the State of Ohio. The remaining allegations in paragraph 12 are legal conclusions to which no response is required.
13. Defendant admits the allegations in paragraph 13 of Plaintiffs' Complaint.
14. Defendant admits that Ohio voters request absentee ballots through a form that must be filled out and mailed to or personally delivered to the voter's county board of elections. Defendant specifically denies that his website is inaccessible and denies any remaining allegations contained in paragraph 14 of Plaintiffs' Complaint for lack of knowledge.
15. Paragraph 15 of Plaintiffs' Complaint contains legal conclusions for which no response is required. Further answering, Defendant admits that Ohio mails paper absentee ballots to voters who have requested an absentee ballot, with the limited exception that voters covered under the Uniformed and Oversees Civilian Absentee Voting Act of 1986 may request to receive their ballots electronically. Defendant denies any remaining factual allegations contained in paragraph 15 of Plaintiffs' Complaint.

16. The allegations in paragraph 16 state legal conclusions for which no response is required. Defendant denies any remaining factual allegations for lack of knowledge.

17. Defendant denies the allegations in paragraph 17 of Plaintiffs' Complaint for lack of knowledge.

18. Defendant denies the allegations in paragraph 18 of Plaintiffs' Complaint for lack of knowledge.

19. Defendant specifically denies that the Maryland online ballot marking tool is accessible in Ohio. Defendant denies any remaining allegations in paragraph 19 of Plaintiffs' Complaint for lack of knowledge.

20. Defendant denies the allegations in paragraph 20 of Plaintiffs' Complaint for lack of knowledge.

21. Defendant denies the allegations in paragraph 21 of Plaintiffs' Complaint for lack of knowledge.

22. Defendant denies the allegations in paragraph 22 of Plaintiffs' Complaint for lack of knowledge.

23. Defendant specifically denies that the Prime III voting system is accessible in Ohio. Defendant denies any remaining allegations in paragraph 23 of Plaintiffs' Complaint for lack of knowledge.

24. Defendant denies the allegations in paragraph 24 of Plaintiffs' Complaint for lack of knowledge.

25. Defendant denies the allegations in paragraph 25 of Plaintiffs' Complaint for lack of knowledge.

26. Defendant denies the allegations in paragraph 26 of Plaintiffs' Complaint for lack of knowledge.
27. Defendant admits that the NFB has asked his office to adopt an accessible absentee voting system. Defendant specifically denies that Plaintiffs have identified a voting system that is accessible in Ohio and denies any remaining allegations contained in paragraph 27 of Plaintiffs' Complaint.
28. Defendant admits the allegation in paragraph 28 of Plaintiffs' Complaint.
29. Defendant specifically denies that his website is inaccessible. Defendant denies the remaining allegations in paragraph 29 of Plaintiffs' Complaint for lack of knowledge.
30. Defendant specifically denies that his website is inaccessible. Defendant denies any remaining allegations in paragraph 30 of Plaintiffs' Complaint for lack of knowledge.
31. Defendant denies the allegations in paragraph 31 of Plaintiffs' Complaint for lack of knowledge.
32. Defendant re-asserts each and every answer in paragraphs 1-31 as if fully restated herein.
33. The allegations in paragraph 33 of Plaintiffs' Complaint state legal conclusions for which no response is required.
34. The allegations in paragraph 34 of Plaintiffs' Complaint state legal conclusions for which no response is required.
35. The allegations in paragraph 35 of Plaintiffs' Complaint state legal conclusions for which no response is required.
36. The allegations in paragraph 36 of Plaintiffs' Complaint state legal conclusions for which no response is required.

37. The allegations in paragraph 37 of Plaintiffs' Complaint state legal conclusions for which no response is required.
38. The allegations in paragraph 38 of Plaintiffs' Complaint state legal conclusions for which no response is required.
39. The allegations in paragraph 39 of Plaintiffs' Complaint state legal conclusions for which no response is required. Defendant denies any remaining factual allegations for lack of knowledge.
40. The allegations in paragraph 40 of Plaintiffs' Complaint state legal conclusions for which no response is required. Defendant denies any remaining factual allegations for lack of knowledge.
41. Defendant denies the allegations in paragraph 41 of Plaintiffs' Complaint.
42. Defendant denies the allegations in paragraph 42 of Plaintiffs' Complaint.
43. Defendant denies the allegation in paragraph 43 of Plaintiffs' Complaint.
44. Defendant denies the allegations in paragraph 44 of Plaintiffs' Complaint.
45. Defendant denies the allegations in paragraph 45 of Plaintiffs' Complaint.
46. The allegations in paragraph 46 of Plaintiffs' Complaint state legal conclusions for which no response is required.
47. The allegations in paragraph 47 of Plaintiffs' Complaint state legal conclusions for which no response is required.
48. Defendant denies all allegations set forth in the Prayer for Relief and specifically denies that Plaintiffs are entitled to relief.
49. Defendant denies each allegation in Plaintiffs' Complaint not otherwise expressly admitted herein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

50. Plaintiffs have not been deprived of any federal statutory rights.

SECOND DEFENSE

51. Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

52. Plaintiffs have failed to name one or more parties necessary of just adjudication.

FOURTH DEFENSE

53. Plaintiffs have not identified a facially reasonable accommodation.

FIFTH DEFENSE

54. Plaintiffs' proposed accommodation(s) would fundamentally alter Ohio laws and the programs offered by Defendant.

SIXTH DEFENSE

55. Plaintiffs' proposed accommodations place a substantial and undue administrative and/or financial burden on Defendant.

SEVENTH DEFENSE

56. Defendant reserves the right to amend his Answer to assert any defenses which may become apparent or available during the course of litigation.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendant respectfully requests that this Court dismiss Plaintiffs' Complaint and that Defendant receive his reasonable costs and fees expended in defending this suit.

Respectfully submitted,

MIKE DEWINE
ATTORNEY GENERAL

s/ Nicole M. Koppitch
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Counsel for Defendant
Ohio Secretary of State Jon Husted

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court, Southern District of Ohio, on February 5, 2016, and served upon all parties of record via the court's electronic filing system.

s/ Nicole M. Koppitch
NICOLE M. KOPPITCH (0082129)
Assistant Attorney General